

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

)

) Criminal No.

)

v.

) VIOLATIONS:

)

1. RUDOLPH HARDIAL,

) 21 U.S.C. § 952(a) - illegal

) Importation of cocaine

)

Defendant.

)

) 21 U.S.C. § 853 - Criminal

) Forfeiture

)

INDICTMENT

COUNT ONE: (21 United States Code, Section 952(a) -
Illegal Importation of Cocaine)

The Grand Jury further charges that:

On or about November 5, 2004, at Boston in the District
of Massachusetts,

1. RUDOLPH HARDIAL

defendant herein, did knowingly, intentionally and unlawfully
import into the United States, from a place outside thereof,
namely Jamaica, a quantity of cocaine, a Schedule II controlled
substance.

It is further alleged that this offense involved five
hundred (500) grams or more of a mixture and substance containing
a detectable amount of cocaine, a Schedule II controlled
substance. Accordingly, Title 21, United States Code, Section
960(b)(2)(B) applies to this offense.

All in violation of Title 21, United States Code, Section

04 CR 10337 WGY

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952 (a) .

DRUG FORFEITURE ALLEGATION
(21 U.S.C. §853 -- Criminal Forfeiture)

The Grand Jury further charges that:

1. As a result of committing the offense alleged in Count One of this indictment,

1. RUDOLPH HARDIAL,

defendant herein, shall forfeit to the United States, pursuant to 21 U.S.C. §853: (1) any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the charged offenses; and (2) any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offenses.

2. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. §853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

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All in violation of Title 21, United States Code, Section 853.

NOTICE OF ADDITIONAL FACTORS

As to the offense charged in Count One of this indictment and relevant conduct as described in USSG §1B1.3, Defendant **RUDOLPH HARDIAL** is accountable for at least 500 grams but less than two (2) kilograms of cocaine. Accordingly, USSG §2D1.1(c)(7) applies to this defendant.

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A TRUE BILL

Robert H. Pesby
ASSISTANT U.S. ATTORNEY

[Signature]
FOREPERSON OF THE GRAND JURY

DISTRICT OF MASSACHUSETTS; November 10, 2004 @ 3:56 PM

Returned into the District Court by the Grand Jurors and
filed.

[Signature]
DEPUTY CLERK

Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: D MA Category No. II Investigating Agency ICE

City Boston

Related Case Information:

County Suffolk

Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant x _____
Magistrate Judge Case Number M-04-245-JLA _____
Search Warrant Case Number _____
R 20/R 40 from District of _____

Defendant Information:

Defendant Name Rudolph Hardial Juvenile: ☐ Yes ☒ No

Alias Name _____

Address 60 Weedon Street, Newland District, Bridgeport, Jamaica

Birthdate: 8/25/60 SS # _____ Sex: Male Race: African descent Nationalit Jamaican

Defense Counsel if known: Martin Richey, Esq. Address Federal Defenders Office

Bar Number _____ 617 223-8060

U.S. Attorney Information:

AUSA Robert Peabody Bar Number if applicable 551936

Interpreter: Yes ☒ No ☐ List language and/or dialect: _____

Matter to be SEALED: ☐ Yes ☒ No

☐ Warrant Requested ☐ Regular Process ☒ In Custody

Location Status:

Arrest Date November 6, 2004

☒ Already in Federal Custody as of November 6, 2004 in _____

☐ Already in State Custody at _____ ☐ Serving Sentence ☐ Awaiting Trial

☐ On Pretrial Release: Ordered by: _____ on _____

Charging Document: Complaint ☐ Information ☒ Indictment

Total # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 11/10/04 Signature of AUSA: Robert Peabody

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Rudolph Hardial

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 USC 952</u>	<u>illegal importation of cocaine</u>	<u>1</u>
Set 2	_____	_____	_____
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: _____

